

**Town of Foxborough
Conservation Commission Minutes
March 10, 2014**

Members Present: Robert Boette (Chair), Allan Curtis (Vice Chair), Eric Nelson (Clerk), Judith Johnson, and Valerie Marshall
Members Absent: Douglas Davis and James Marsh
Staff Present: Jane Sears Pierce, Conservation Manager, and Lee Ann Tavares, Secretary
Others Present: See attached sign-in sheet

Meeting Opened

Bob Boette opened the meeting, held in the Boyden Library, at 7:00 p.m.

Open Space and Recreation Plan Implementation Committee

Heather Harding, the Board of Recreation Chairman, had offered to come to the meeting to discuss how to proceed with the creation of an Implementation Committee for the 2011-2018 Open Space and Recreation Plan. After discussion with the Commission, it was decided that an ad should be placed in the Foxboro Reporter. Heather will get in touch with Frank Mortimer to ask him to put an article about the new committee into the Reporter. Val believed that the DCR had regulations about how to implement the committee and said that she would look it up and forward the information to Frank. It was decided that Sharon Wason, the Town Planner, should be on the new committee. Judi opined that one of the committee's first projects should be working to get the Community Preservation Act (CPA) passed in Foxborough. Heather planned to attend the Commission's April 14 meeting to continue implementation committee discussions.

2014 Earth Day and Annual Vernal Pool Workshop

Since Heather was still at the meeting, Jane asked the Commission and Heather whether they wanted to hold Foxborough's first Earth Day celebration this spring. While discussing what they should do for the event, Val offered to look on the EPA's website for Earth Day event ideas. Val wanted to include a poster contest, or something similar. Heather asked Jane to give a vernal pool slide show on Earth Day (April 22), since it was during April school vacation week; Jane said that she would.

The Commission decided that the Annual Vernal Pool Workshop should take place on April 19. Heather informed the Commission that the Recreation Department had approximately 1,000 people that they could reach out to about upcoming events, and offered to advertise the vernal pool programs, as well as any Earth Day celebrations. Since the Recreation Department is more sports oriented, Heather asked Jane to write a blurb about the vernal pool workshop and slide show.

Kersey Point Issues

Meredith Bennett and Joseph Titus attended the meeting to discuss the small boat launch area at Kersey Point (off Kersey Road). Ms. Bennett explained that they were unable to get their Jon boat between the entrance area's boulders (to keep vehicles from entering), just past the parking area. The space between the rocks was too narrow (less than two feet wide) for their boat dolly and they were unable to lift the boat over the three foot high boulders; their jon boat is four feet by 12 feet.

The Commission directed Jane to ask the Highway Department to move two of the (center) boulders to make a slightly wider than four foot space between them.

73 Spring Street, Report of Possible Violation

Jane reported that she and Bob had been notified of tree cutting in a possible wetland area. She explained that the DEP wetland data layers did not indicate that there were wetlands in the area, but an aerial photo of the site indicated that there could be wetlands in the area. Jane and Bob had visited the site earlier in the day and had spoken briefly to the new property owner, Jeffrey Cook (who purchased the property in February), who was on-site. Mr. Cook had allowed them to enter

the property, but denied their request to explore the area to determine whether a wetland violation had occurred. Jane explained that Mr. Cook appeared to have cleared the lot's low point, which was near the end of a street drainage easement. While on-site, Mr. Cook told Jane and Bob that the area that he was clearing used to be a vegetable garden. He said that he wanted to create a field.

After reviewing the property's wetland files, Jane noted that the previous property owner had been issued two enforcement orders in the past (1989, 2001). Val looked at the file and discovered that a hand written letter dated 4/30/92 from abutter Claire Cotter, who owned 69 Spring Street, stated "This property used to be considered wetlands. Each spring a little pond would appear. There would be the sound of spring peepers, and a pair of ducks could be seen enjoying the little pond."

Based on Jane's report and information contained in the property's file, the Commission directed Jane to send Mr. Cook a cease and desist order (form letter) and ask him to attend their next meeting (3/24/14).

204 East Street

Jane informed the Commission that she had met with Shane Oates of Coneco (Bridgewater, MA) to discuss a potential subdivision at 204 East Street (Mr. Oates also met with Sharon Wason). Mr. Oates' client, John Noblin, had reportedly signed an agreement to purchase the property, with the intent to build a 13 lot subdivision with 2,000 to 2,400 sq. ft. homes. Jane told him that, although she couldn't speak for the Commission, they prefer open space residential subdivisions (rather than conventional plans, as proposed) that incorporate low impact development (LID) practices, minimize tree clearing, and create walking paths that connect to abutting conservation areas.

Colin Browning, abutter to 204 East Street who attended the meeting for another agenda item, informed the Commission of issues he had been having with his abutter, Mr. Paul Barbato. Mr. Browning explained that Mr. Barbato had "taken" a 1,000 foot by 20 foot strip of his property, and was maintaining the area as a lawn. After several unsuccessful meetings with Mr. Barbato to correct the situation, Mr. Browning was forced to serve him with a cease and desist order to prevent liability issues from his continued unauthorized use of the property. Mr. Browning also warned the Commission that he had heard that the 204 East Street property's developer was not John Noblin, but rather a Foxborough developer who was recently the subject of negative newspaper articles.

Planning Board Referrals

Information Reviewed: 28-30 Pine Street – Temporary Parking Lot
115 Belcher Road – Accessory Apartment

Bob indicated that Pine Street had high groundwater levels, but there were no wetlands in the area of the proposed temporary parking lot. After briefly reviewing the Belcher Road referral, he agreed with Jane that they should file a wetland application for the proposed project.

Continued Hearing – Regulations for Foxborough's Wetland Bylaw (Article IX)

Information Reviewed: Draft Regulations, Section 7. Enforcement, dated 3/10/14

Jane explained that her proposed draft of Section 7 (Enforcement) was copied from the Commission's previously approved Enforcement Guidelines document. After their review and slight modification of the draft, the Commission approved the new Section 7.

Motion was made by Judi Johnson to accept the Enforcement Section (7 of the Article IX Regulations) as amended; seconded by Allan Curtis. **Vote: 5-0-0**

Motion was made by Eric Nelson to continue the hearing for Regulations for Foxborough's Wetland Bylaw (Article IX) to the next meeting; seconded by Allan Curtis. **Vote: 5-0-0**

February 24, 2014 Minutes

Motion was made by Eric Nelson to accept the February 24, 2014 meeting minutes as distributed; seconded by Allan Curtis. **Vote: 5-0-0.**

May 23, 2011 Minutes

Motion was made by Eric Nelson to accept the May 23, 2011 meeting minutes as distributed; seconded by Allan Curtis. **Vote: 5-0-0.**

CIP Committee Meeting Update

Bob updated the Commission on the outcome of the recent CIP meeting, which he, Judi and Val attended to request funding to repair the house at 89 North Street. The Commission had requested \$62,300 for several necessary repairs, including razing and removal of the site's dilapidated garage, a new roof, insulation for the house (which currently has none), new countertops (to comply with health codes), and new bathroom fixtures. During Saturday's CIP meeting, Bob gave a presentation to the CIP Committee, who then asked him to calculate the minimum repair cost. Bob responded that the Commission would need to receive at least \$28,700 for the most critical house repairs.

After the CIP meeting concluded, Bob returned to find out how the Committee had voted. He learned that only \$16,500 of the \$62,300 requested had been approved, nearly *half* of his estimated \$28,700. While there, Randy Scollins had alluded that the Commission's originally requested FY15 budget's maintenance expense of \$10,000 (which Randy had previously removed from the budget) *might* stay in the budget. So it is currently unclear as to whether this \$10,000 maintenance expense will be included in the Town Meeting Warrant.

Val expressed her frustration at the outcome of the CIP Committee meeting. She wanted the record to show that she was so discouraged by the CIP Committee's response to the Commission's funding request that she didn't know whether she could continue to be on the Commission. As a member of the Commission, she has dedicated a great deal of her personal time and effort protecting the Town's conservation assets.

Adding to her frustration, the Town had taken all of the Commission's rental fee income (more than \$300,000), but the Commission was never given one penny. Then, when the Commission attempted to remedy their funding issues, they followed the Town's advice to go through the CIP process to get the necessary funding, but the CIP Committee denied their request and did not even approve the bare minimum requested amount (\$28,700). If the CIP had approved the Commission's bare minimum request of \$28,700, she would not be so discouraged.

Judi added that since the CIP Committee had approved insufficient funds for necessary repairs (\$16,500 of \$62,300 requested), if either house had another crisis, the Commission would have to go back to the AdCom to request another reserve fund transfer, which they've been trying to avoid.

Al, who agreed completely with Val, suggested that the Commission should submit a warrant article for Fall Town Meeting to ask for *all* of the rental revolving fund monies (i.e. not just rental fees in excess of the first \$18,000 collected, as Randy Scollins will request at May's Annual Town Meeting).

Val mentioned that the Board of Selectmen should be informed about what occurred through the CIP process, reiterating that she was disgusted with this last incident. She stated that the Commission is trying to maintain their properties, but the Town is not supporting them. Val stressed that she didn't want to *fight* against the Town; *she wanted to work **with** the Town.*

Judi suggested meeting with the new Town Manager to review the history of the rental properties and explain what the Commission is trying to do with them. She reminded the Commission that one time they had the support of the Board of Selectmen for the (former) caretaker tenant type of rental agreement. Judi reminded everyone that the Commission was not alone, citing the condition of the town hall as one example.

Val indicated that she wanted Town residents to be educated about the fact that the Commission was told to go through the CIP process to remedy their funding issues, just to have their request denied. Judi was in favor of writing a letter that outlined what the Commission did, what they

needed, and request that *all* of the money from rental fees goes into the Commission's revolving account. Val stated that she just wants the Town to come together and work together.

Jane was asked to share the Conservation Management Plan with the CIP Committee members, since it was referred to during the CIP meeting. The plan is currently being updated to include the Historical Commission's concerns and comments; Jane will send the update to the Board of Selectmen and Conservation Commissioners.

Meeting Adjourned

Motion was made by Allan Curtis to adjourn; seconded by Eric Nelson. **Vote: 5-0-0**

The meeting adjourned at 9:15 p.m.

Respectfully submitted,

Eric Nelson, Clerk

Draft minutes submitted by Jane Pierce: 3/18/14

Approved by Commission:

Documents, Not Referenced Above

Attached Documents:

1. Agenda, March 10, 2014
2. Meeting Sign In Sheet

Location of Other Documents:

3. Manager's Report, filed in Manager's Report binder in the Conservation Office.
4. Referenced projects' documents: please see Conservation Commission's project file